

# Senate Bill 849

Sponsored by Senator BATES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes audio newspaper service telecommunications program for individuals who are blind or print-disabled.

Sunsets January 1, 2020.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to telecommunications; creating new provisions; amending sections 7, 9, 12, 13 and 16,  
3 chapter 290, Oregon Laws 1987; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of sections 9 to 14,**  
6 **chapter 290, Oregon Laws 1987.**

7 **SECTION 2. (1) The Public Utility Commission shall establish and administer a statewide**  
8 **audio newspaper service telecommunications program for persons who are blind and persons**  
9 **who are print-disabled.**

10 **(2) The commission shall establish rules for the program, which will provide audio**  
11 **newspaper services free to persons who are blind and persons who are print-disabled.**

12 **SECTION 3. Section 7, chapter 290, Oregon Laws 1987, as amended by section 2, chapter 622,**  
13 **Oregon Laws 1991, section 8, chapter 872, Oregon Laws 1991, section 1, chapter 231, Oregon Laws**  
14 **1993, section 387, chapter 79, Oregon Laws 1995, section 1, chapter 451, Oregon Laws 1995, and**  
15 **section 2, chapter 408, Oregon Laws 2001, is amended to read:**

16 **Sec. 7.** (1) In order to fund the programs provided in sections 2 to 6 and 9 to 14, chapter 290,  
17 Oregon Laws 1987, **and section 2 of this 2009 Act**, the Public Utility Commission shall develop and  
18 implement a system for assessing a surcharge in an amount not to exceed 35 cents per month  
19 against each paying retail subscriber who has telecommunications service with access to the tele-  
20 communications relay service. The surcharge shall be applied on a telecommunications circuit des-  
21 ignated for a particular subscriber. One subscriber line shall be counted for each circuit that is  
22 capable of generating usage on the line side of the switched network regardless of the quantity of  
23 customer premises equipment connected to each circuit. For providers of central office based ser-  
24 vices, the surcharge shall be applied to each line that has unrestricted connection to the telecom-  
25 munications relay service. These central office based service lines that have restricted access to the  
26 telecommunications relay service shall be charged based on software design. For cellular, wireless  
27 or other radio common carriers, the surcharge shall be applied on a per instrument basis, but applies  
28 only to subscribers whose place of primary use, as defined and determined under 4 U.S.C. 116 to 126,  
29 is within this state.

30 (2) The surcharge imposed by subsection (1) of this section does not apply to:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Services upon which the state is prohibited from imposing the surcharge by the Constitution  
2 or laws of the United States or the Constitution or laws of the State of Oregon.

3 (b) Interconnection between telecommunications utilities, telecommunications cooperatives,  
4 competitive telecommunications services providers certified pursuant to ORS 759.020, radio common  
5 carriers and interexchange carriers.

6 (3) The commission annually shall review the surcharge and the balance in the Residential  
7 Service Protection Fund and may make adjustments to the amount of the surcharge to ensure that  
8 the fund has adequate resources but that the fund balance does not exceed six months of projected  
9 expenses.

10 (4) Moneys collected pursuant to the surcharge shall not be considered in any proceeding to  
11 establish rates for telecommunication service.

12 (5) The commission shall direct telecommunications public utilities to identify separately in bills  
13 to customers for service the surcharge imposed pursuant to this section.

14 **SECTION 4.** Section 9, chapter 290, Oregon Laws 1987, as amended by section 2, chapter 872,  
15 Oregon Laws 1991, section 32, chapter 280, Oregon Laws 1995, section 2, chapter 451, Oregon Laws  
16 1995, section 1, chapter 384, Oregon Laws 1999, section 1, chapter 28, Oregon Laws 2007, and sec-  
17 tion 353, chapter 70, Oregon Laws 2007, is amended to read:

18 **Sec. 9.** As used in sections 9 to 14, chapter 290, Oregon Laws 1987, unless the context requires  
19 otherwise:

20 (1) “Adaptive equipment” means equipment that permits a person with a disability, other than  
21 a person who is hard of hearing or speech impaired, to communicate effectively on the telephone.

22 (2) “Applicant” means a person who applies for an assistive telecommunication device, adaptive  
23 equipment or a signal device.

24 (3) “Assistive telecommunication device” means a device that utilizes a keyboard, acoustic cou-  
25 pler, display screen, Braille display, speakerphone or amplifier to enable people who are deaf, deaf-  
26 blind, severely hard of hearing or severely speech impaired to communicate effectively on the  
27 telephone.

28 (4) “Audiologist” means a person who has a master’s or doctoral degree in audiology and a  
29 Certificate of Clinical Competence in audiology from the American Speech-Language-Hearing Asso-  
30 ciation.

31 **(5) “Audio newspaper service” means a service that enables persons who are blind and**  
32 **persons who are print-disabled to gain access to newspapers and other publications using a**  
33 **Touch-Tone telephone.**

34 [(5)] (6) “Deaf” means a profound hearing loss, as determined by an audiologist or a vocational  
35 rehabilitation counselor of the Department of Human Services, that requires use of an assistive  
36 telecommunication device to communicate effectively on the telephone.

37 [(6)] (7) “Deaf-blind” means a hearing loss and a visual impairment, as determined by a licensed  
38 physician and by an audiologist or a vocational rehabilitation counselor of the Department of Hu-  
39 man Services, that require use of an assistive telecommunication device to communicate effectively  
40 on the telephone.

41 [(7)] (8) “Disability” means a physical condition, as determined by a licensed physician or vo-  
42 cational rehabilitation counselor of the Department of Human Services, other than hearing or  
43 speech impairment that requires use of adaptive equipment to utilize the telephone.

44 [(8)] (9) “Hearing aid specialist” means a person licensed to deal in hearing aids under ORS  
45 chapter 694.

1       **(10) “Person who is blind” has the meaning given that term in ORS 346.110.**

2       **(11) “Person who is print-disabled” means a person, other than a person who is blind,**  
 3 **who has a disability that requires the person to read material in a format other than**  
 4 **standard print.**

5       [(9)] **(12)** “Physician” means an applicant’s primary care physician or a medical specialist who  
 6 is able to determine an applicant’s disability and to whom the applicant was referred by the primary  
 7 care physician.

8       [(10)] **(13)** “Recipient” means a person who receives adaptive equipment, an assistive telecom-  
 9 munication device or a signal device.

10       [(11)] **(14)** “Severely hard of hearing” means a hearing loss, as determined by an audiologist or  
 11 vocational rehabilitation counselor of the Department of Human Services, that requires use of an  
 12 assistive telecommunication device to communicate effectively on the telephone.

13       [(12)] **(15)** “Severely speech impaired” means a speech disability, as determined by a speech-  
 14 language pathologist or vocational rehabilitation counselor of the Department of Human Services,  
 15 that requires use of an assistive telecommunication device to communicate effectively on the tele-  
 16 phone.

17       [(13)] **(16)** “Signal device” means a mechanical device that alerts a person who is deaf, deaf-blind  
 18 or severely hard of hearing of an incoming telephone call.

19       [(14)] **(17)** “Speech-language pathologist” means a person who has a master’s degree or equiv-  
 20 alency in speech-language pathology and a Certificate of Clinical Competence issued by the Ameri-  
 21 can Speech-Language-Hearing Association.

22       [(15)] **(18)** “Telecommunications relay center” means a facility authorized by the Public Utility  
 23 Commission to provide telecommunications relay service.

24       [(16)] **(19)** “Telecommunications relay service” means the provision of voice and teletype com-  
 25 munication between users of some assistive telecommunication devices and other parties.

26       **SECTION 5.** Section 12, chapter 290, Oregon Laws 1987, as amended by section 5, chapter 872,  
 27 Oregon Laws 1991 and section 356, chapter 70, Oregon Laws 2007, is amended to read:

28       **Sec. 12.** (1) A Telecommunication Devices Access Program Advisory Committee shall be estab-  
 29 lished to advise the Public Utility Commission concerning matters of general development, imple-  
 30 mentation and administration of the Telecommunication Devices Access Program.

31       (2) The Telecommunication Devices Access Program Advisory Committee shall include:

32       (a) Nine consumers including [*seven*] **five** who are deaf or hard of hearing, one who is speech  
 33 impaired, **two who are blind** and one who has a disability;

34       (b) One professional in the field of speech impairment, hearing impairment or deafness or disa-  
 35 bility;

36       (c) One member of the Public Utility Commission or a designee of the commission; and

37       (d) One representative from those telephone companies interested in providing telecommuni-  
 38 cation devices access relay services.

39       **SECTION 6.** Section 13, chapter 290, Oregon Laws 1987, as amended by section 6, chapter 872,  
 40 Oregon Laws 1991 and section 4, chapter 384, Oregon Laws 1999, is amended to read:

41       **Sec. 13.** (1) The Public Utility Commission shall employ a coordinator for the Telecommuni-  
 42 cation Devices Access Program, who shall be primarily responsible for:

43       (a) The distribution and maintenance of assistive telecommunication devices and adaptive  
 44 equipment;

45       (b) The provision of telecommunications relay services and monitoring of those service provid-

1 ers; *[and]*

2 (c) **The establishment and maintenance of the statewide audio newspaper service tele-**  
3 **communications program described in section 2 of this 2009 Act; and**

4 *[(c)]* (d) Community outreach to locate potential beneficiaries of the Telecommunication Devices  
5 Access Program.

6 (2) The commission may contract with any governmental agency, or other entity the commission  
7 considers to be qualified, to assist the commission in the administration of sections 9 to 14, chapter  
8 290, Oregon Laws 1987.

9 **SECTION 7.** Section 16, chapter 290, Oregon Laws 1987, as amended by section 4, chapter 622,  
10 Oregon Laws 1991, section 1, chapter 481, Oregon Laws 1997, and section 1, chapter 408, Oregon  
11 Laws 2001, is amended to read:

12 **Sec. 16.** Chapter 290, Oregon Laws 1987, is repealed January 1, *[2010]* **2020.**

13 **SECTION 8.** **This 2009 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
15 **on its passage.**

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